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Letter dated 1 April 2004 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the commentary of the Ministry of Foreign Affairs of Ukraine on the statement by the Irish Presidency on behalf of the European Union on media freedom and democratic standards in Ukraine (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Valeriy **Kuchynsky**
Ambassador
Permanent Representative

04-29698 (E) 020404

Annex to the letter dated 1 April 2004 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

Commentary of the Ministry of Foreign Affairs of Ukraine on the statement by the Irish Presidency on behalf of the European Union on media freedom and democratic standards in Ukraine

Ukraine took note of the statement by the Irish Presidency on behalf of the European Union on media freedom and democratic standards in Ukraine issued on 18 March 2004 and distributed on 25 March 2004 as a document of the Security Council — S/2004/246. The authorities of Ukraine always keep in sight the issues raised by the European Union. A testimony of that is the fact that the President of Ukraine, Leonid Kuchma, on 15 March 2004 decreed a moratorium on inspections of the media during the Presidential election campaign. On 16 March 2004 the Verkhovna Rada (Parliament) of Ukraine adopted the Decree on "Ensuring the unimpeded work of media during the pre-election period in 2004".

A constructive dialogue on ensuring media freedom continues between the authorities and non-governmental organizations. In this regard, one can point to the agreement between the State Tax Administration of Ukraine and the Institute of Mass Information, which represents the well-known international human rights non-governmental organization, Reporters Without Borders.

Incidents with the media that were mentioned in the statement have either commercial or legal character and are not within the purview of the Government of Ukraine, but are instead in the competence of, in particular, judicial authorities. The Government cannot violate the basic principles of the supremacy of law and of a State built on the rule of law, and put pressure upon the Court on these matters. There are no objective reasons to connect the said business conflicts with the bodies of executive power.

In Ukraine, there are legally recognized norms and procedures of the appeals process concerning various decisions, particularly those related to the conduct of elections. They can be used by all interested parties to review or appeal the decisions cited in the statement.

We are convinced that freedom of the media and impartiality of the bodies of State power are important elements for the holding of transparent and democratic presidential elections in Ukraine on 31 October 2004. Ukraine reiterates its commitment to the European democratic norms and principles of the rule of law and will make, within the framework of the existing legislation, every possible effort to ensure that the media can cover all aspects of Ukraine's domestic life and foreign policy, including presidential elections, without any impediments.

We continue to carry out an open dialogue with the European Union and pay close attention to the expressed opinions on ensuring the freedom of the media and respect for democratic standards in Ukraine. This is of great importance for the implementation of a strategic course of the foreign policy of Ukraine — its integration with the European Union.

At the same time, as was noted by the President of Ukraine, we are disappointed with a certain tendentiousness and one-sidedness in the assessments of internal developments in Ukraine. The Ukrainian side is prepared to intensify its dialogue with the European Union at all levels to ensure a thorough consideration of the problems raised in the statement and elaboration of possible joint steps for their resolution, provided that it will not contradict Ukrainian legislation and principles of the rule of law.